

REMARKS

Currently, claims 28-39 are pending. Claim 28 has been amended herein. Applicants address each of the objections and rejections in the order in which they appear in the Action.

Applicants wish to thank the Examiner for the thorough and thoughtful review of the application and the prior art, and request reconsideration of the claims in light of the amendments and remarks made herein.

Claim Objections Overcome

Claim 28 was objected to because of an informality. Applicants have corrected the typographical error and respectfully request that this objection be withdrawn.

Section 112, First Paragraph, Rejection Overcome

A. Claims 28-35 were rejected under 35 U.S.C. §112, first paragraph, as to the claim recitation of "a solvate" of a compound of formula (If).

Applicants have amended claim 28 to delete the language "or a solvate" without prejudice. As amended, the generically covers any compound of formula (If), regardless of its structure, form, or habit. Hence, in terms of a consideration of infringement, a compound of formula (If) falls within the scope of the claim whether or not that compound is amorphous or crystalline, solvated or un-solvated form.

In light of this amendment, Applicants respectfully request that this rejection be withdrawn.

B. Claims 28-35 were rejected under 35 U.S.C. §112, first paragraph as failing to provide a written description as to excluded compounds. In particular, the specification contains the proviso that certain compounds were excluded from the scope of the compound of formula (I). Of the compounds mentioned in the proviso, only N-[(4-

(3,4-dichlorobenzyl)morpholin-2-yl)methyl]-N'-(2-furylmethyl)urea is relevant to formula (If). Thus, claim 28 has been amended to add the proviso relating to this compound.

Applicants respectfully request that this rejection be withdrawn.

Section 112, Second Paragraph, Rejection Overcome

Claims 28-33 were rejected under 35 U.S.C. §112, second paragraph as failing to define "*" and "***". Applicants respectfully traverse this rejection.

The use of the asterisk as in the formula (If) of claim 28 is readily understood by those of ordinary skill as a standard convention (similar to use of an arrow) which designates a position of an asymmetric center. As such, these are not variables in the way an "R¹" would be used in a formula, but merely as a chiral position locator.

As this usage is a standard convention, it is asserted that use of these chiral locators in claims 28-33 is readily understood by those of ordinary skill, in their present form, and these claims are not rendered indefinite by such conventional use. Applicants respectfully suggest that this rejection is unfounded and, thus, should be withdrawn.

CONCLUSION

In light of the comments and amendments made herein, reconsideration is hereby requested. It is respectfully asserted that the specification and claims are in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or to credit any overpayment, particularly including any fees required under 37 CFR §1.16 or §1.17, and any necessary extension of time fees, to Deposit Account No. 07-1392.

Respectfully submitted,

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